

REMARKS

Claims 2-7, 9, 13 and 14 are pending. By this Amendment, claims 2, 4, and 13 are amended and claims 8, 11 and 12 are canceled. Support for the amendments to the claims may be found, for example, in the claims as previously presented. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

In view of the foregoing amendments and the following remarks, reconsideration and allowance of the claims are respectfully requested.

I. Allowable Subject Matter

Applicant thanks the Examiner for the indication that claims 3, 5-7 and 9 are allowed and that claims 11, 13 and 14 contain allowable subject matter. Independent claim 2 recites the allowable subject matter of its dependent claim 11, claim 13 is amended to be in independent form and claim 14 depends from claim 13. Accordingly, it is asserted that at least claims 2, 3, 5-7, 9, 13 and 14 are allowable.

II. Claim Objections

The Office Action objects to claims 4 and 8. Claim 8 is canceled, thus the objection is moot as to that claim. As to claim 4, "strong acid" should be given its normal meaning in the art. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

III. Rejections Under 35 U.S.C. §102**A. Claim 4**

The Office Action rejects claim 4 as follows: under 35 U.S.C. §102(b) over U.S. Patent No. 5,498,514 to Nakao et al. ("Nakao"); under 35 U.S.C. §102(b) over U.S. Patent No. 6,168,908 to Suzuki et al. ("Suzuki"); under 35 U.S.C. §102(b) over U.S. Patent No. 5,756,255 to Sato et al. ("Sato"); under 35 U.S.C. §102(b) over U.S. Patent No. 4,130,424 to Feit et al. ("Feit"); under 35 U.S.C. §102(b) over U.S. Patent No. 5,525,457 to Nemoto et al. ("Nemoto"); under 35 U.S.C. §102(b) over JP 58-48048 to Hibino et al. ("Hibino") as evidenced by Derwent-ACC-No: 1983-40723K and AN 1983:430757. These rejections are respectfully traversed.

Claim 4 recites, *inter alia*, "A resist underlayer anti-reflective coating forming composition ... comprising ... a polymer compound having a protected carboxyl group and an epoxy group" (Emphasis added). None of the applied references disclose at least the above feature of claim 4.

The Office Action asserts that Nakao discloses a composition comprising a protected carboxyl group; Suzuki discloses a polymer having a carboxyl group; Sato discloses a composition having a protected carboxyl group; Feit discloses a protected carboxylic acid; and Hibino discloses a protected carboxylic acid. *See* Office Action, pp. 5-7. However, it is respectfully asserted that none of the applied references disclose a polymer compound having both a protected carboxyl group and an epoxy group, as recited in claim 4. Thus, the applied references do not anticipate claim 4.

Claim 4 is not anticipated by Nakao, Suzuki, Sato, Feit, Nemoto, or Hibino. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

B. Claims 2, 8 and 12

The Office Action rejects claims 2, 8 and 12 under 35 U.S.C. §102(b) over U.S. Patent No. 5,380,804 to Lees et al. ("Lees"). Claim 2 recites the allowable subject matter of claim 11, and claims 8 and 12 are canceled. Reconsideration and withdrawal of the rejection are respectfully requested.

IV. Rejection Under 35 U.S.C. §103

The Office Action rejects claim 4 under 35 U.S.C. §103(a) over Nakao. The rejection is respectfully traversed.

The Office Action asserts that Nakao discloses species that anticipate the composition recited in claim 4, "but also make obvious a broader group of leveling layers." However, as discussed above, Nakao does not disclose a composition comprising a polymer having both a protected carboxyl group and an epoxy group, as recited in claim 4. Further, neither Nakao nor the Office Action provide any reason or rationale for one of ordinary skill in the art to have modified the disclosure of Nakao to have included a polymer having both a protected carboxyl group and an epoxy group. Thus, it is respectfully asserted that Nakao would not have rendered obvious at least this feature of claim 4.

Claim 4 would not have been rendered obvious by Nakao. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Petition for Extension of Time

Date: May 18, 2010

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